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MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE: CTDIS-Court ORD Dissolved

FR CITE: 80 FR 18200 FR CITE DATE: 04/03/2015

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-932

EFFECTIVE DATE: 10/02/2014 COURT CASE #: 11-00192

PERIOD OF REVIEW: TO

PERIOD COVERED: 10/08/2008 TO 05/05/2015

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Amended Scope Ruling on the Antidumping Duty Order on Certain Steel Threaded Rod from the People's Republic of China (A-570-932)

This message may not be disclosed to the public.

1. On 09/22/2014, the United States Court of Appeals for the Federal Circuit (CAFC) issued a decision in *A.L. Patterson, Inc., v. United States*, Court No. 2013-1526 (Fed. Cir. 2014) that engineered steel coil rod (coil rod) imported by A.L. Patterson, Inc. (Patterson) was outside the scope of the antidumping duty order on certain steel threaded rod (STR Order) from the People's Republic of China (A-570-932). The CAFC decision was not in harmony with Commerce's final scope ruling referenced in message numbers 1166304 (06/15/2011) and 1187306 (07/06/2011).

2. Subsequently, on 01/26/2015, in response to a remand order from the United States Court of International Trade (CIT) in *A.L. Patterson, Inc. v. United States*, Court No. 11-00192, issued on 12/29/2014, and based upon the CAFC's 09/22/2014, holding, Commerce issued a final scope redetermination pursuant to remand determining that Patterson's coil rod is not subject to the STR Order from the People's Republic of China (A-570-932).

3. On 03/03/2015, the CIT issued a final order in *A.L. Patterson, Inc. v. United States*, Court No. 11-00192, sustaining Commerce's final scope redetermination that Patterson's coil rod is not subject to the STR Order from the People's Republic of China (A-570-932).

4. On 04/03/2015, Commerce published in the Federal Register a Notice of Court Decision Not in Harmony With the Final Results of Scope Ruling and Notice of Amended Final Results of Scope Ruling (80 FR 18200), reflecting the CAFC's decision invalidating Commerce's original scope ruling. In accordance with Section 516A of the Tariff Act of 1930, as amended, the effective date of that notice was 10/02/2014, 10 days after entry of decision by the CAFC.

5. As a result of the CIT's entry of a final order on 03/03/2015, the injunction with Court Number 11-00192, referenced in message number 1187306, dated 07/06/2011, dissolved on 05/05/2015. That injunction was applicable to entries of certain steel threaded rod from the People's Republic of China: 1) that are continuous coil threaded rod that is high-strength, chromium-nickel alloy, with

a minimum carbon content of 0.4% and rolled threads that do not correspond to national coarse, national fine, or metric (ISO) standards; 2) that were imported by A.L. Patterson, Inc.; and 3) were entered, or withdrawn from warehouse, for consumption on or after 10/08/2008.

6. For all shipments of coil rod imported by Patterson, as described in paragraph 5 above, entered, or withdrawn from warehouse, for consumption on or after 10/08/2008, that remain unliquidated on or after 10/02/2014, CBP shall terminate suspension, refund any cash deposits, and liquidate those entries without regard to antidumping duties.

7. These instructions constitute notice of the lifting of suspension of entries of coil rod imported by Patterson as described in paragraph 5 and 6 above. These instructions do not constitute the notice of lifting of suspension of any other entries. Unless instructed otherwise, for all other shipments of STR Order from the People's Republic of China not covered by paragraphs 5 and 6 above, you shall continue to collect cash deposits of estimated antidumping duties for the merchandise at the current rates.

8. The assessment of antidumping duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated antidumping duties. The interest provisions are not applicable to cash or bonds posted as estimated antidumping duties before the date of publication of the antidumping duty order. Interest shall be calculated from the date payment of estimated antidumping duties is required through the date of liquidation. The rate at which such interest is payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.

9. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by OV: JEH.)

10. This message may not be disclosed to the public.

Michael B. Walsh

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party